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February 21, 2023

BY HAND DELIVERY

Honorable Nelson S. Román
United States District Court
Southern District of New York
300 Quarropas Street, Courtroom 218
White Plains, New York 10601

Re: Frey, et al. v. New York City, et al., 21 CV 5334 (NSR)

Dear Judge Román:

I am an attorney in the office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, counsel for City Defendants in the above-referenced action.

Unfortunately, I became ill last night with a virus and fever. Accordingly, I will not be able to attend tomorrow's oral argument. In accordance with your Honor's Individual Practices in Civil Cases, I discussed this matter with counsel for the parties and counsel is unavailable on the following days during the next few weeks: February 28, 2023; March 2, 2023; March 6, 2023; March 8, 2023; and March 9, 2023.

Thank you for your consideration and understanding of this matter.

Respectfully submitted,

/s

Nicholas Ciappetta (NC 1014)

Cc: Amy Bellantoni, Esq., Attorney for Plaintiffs (by email)

Suzanna Publicker Mettham, Esq., Attorney for State Defendants (by email)